

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
	)	
Review of the Emergency Alert System	)	EB Docket No. 04-296
	)	
	)	

**COMMENTS OF CAPITOL BROADCASTING COMPANY, INC.**

Capitol Broadcasting Company, Inc. (“CBC”) hereby submits its comments in the above-captioned proceeding. CBC files these comments in its capacity as the licensee of WRAL-TV, WRAL-DT, WRAZ-TV, WRAZ-DT and WRAL(FM), Raleigh, North Carolina; WJZY-TV and WJZY-DT, Belmont, North Carolina;<sup>1</sup> WWWB-TV and WWWB-DT, Rock Hill, South Carolina;<sup>2</sup> and WILM-LP, Wilmington, North Carolina. CBC’s comments focus on four specific examples of Emergency Alert System (“EAS”) problems in the Raleigh market within the last six months.

- August 13, 2004 – During the WRAL-TV/WRAL-DT 6:00 PM newscast, Greg Fishel, the stations’ chief meteorologist, broke into the sports block to alert viewers to a tornado warning in Northeastern Chatham and Central Wake Counties. While Fishel showed the likely path of the tornado near the town of Wilsonville, the local cable company overrode WRAL’s more detailed warning.

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<sup>1</sup> Charlotte Designated Market Area (“DMA”).

<sup>2</sup> Charlotte DMA.

- June 18, 2004 – During the WRAL-TV/WRAL-DT 11:00 PM newscast, the local cable company overrode the newscast between 11:07 and 11:10 with an unscheduled EAS test. Fortunately, there was no real emergency and viewers only missed local news, not a more detailed local warning.
- May 10, 2004 – The regularly scheduled monthly test of the North Carolina EAS system was scheduled between 11:00 AM and noon. The test began at approximately 11:20 AM. The local cable company covered all channels with a blue EAS test slate. However, the audio was from a previous National Weather Service tornado warning for Harnett County – “The National Weather Service has issued a tornado warning for Harnett County.” The outdated message was repeated twice.
- May 5, 2004 – The local cable company flashed the EAS bulletin screen across our broadcast channels with no audio eleven times between 5:30 and 6:00 AM. Again, this was an unscheduled test.

As a local broadcaster, one of our most important roles is to accurately inform our viewers of emergency situations, particularly during severe weather. Viewers expect us to get it right.<sup>3</sup> Over time a level of trust builds between the local station and its viewers, but that trust is diminished when we get it wrong as we did on May 10, 2004 with the inaccurate Harnett County warning. As confused viewers called the station to confirm what they had heard, they asked why we were not on the air with more detailed warnings.

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<sup>3</sup> WRAL-TV/WRAL-DT employs five meteorologists utilizing state-of-the-art Doppler 5000 technology to ensure that our viewers receive timely, accurate information. With 4.75 million watts of radar power, Doppler 5000 zeros in on the exact location of a storm, showing circular winds and the time severe weather will likely hit a particular neighborhood.

This error created a great deal of concern in our community, but because it was a test, there was no immediate danger. However, there was danger on August 13, 2004 when potentially life-saving information was overridden with a less specific EAS warning. Our viewers hold us accountable for accurate information in these situations. Viewers do not understand the cable override system because they are watching our local channel. As a result of these continuing problems, WRAL recently entered into an opt-out agreement with the local cable company.<sup>4</sup>

Based upon these examples, CBC respectfully urges the Federal Communications Commission to end cable's ability to override local broadcast signals.

Respectfully submitted,

CAPITOL BROADCASTING  
COMPANY, INC.

/s/Dianne Smith

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<sup>4</sup> After the first problem in May 2004, WRAL contacted the cable company about opting-out, but due to the vast number of cable head ends in our large, geographically dispersed DMA, the cost quoted from the cable company was prohibitive. After the four incidents, WRAL decided that the opt-out investment was necessary.